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14 *Attorneys for Plaintiffs*

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

E-FILED 6/25/08

19 SIDNEY SCHOLL and FELTON A.)
20 SPEARS, JR., on behalf of themselves and)
all others similarly situated,)

21)
22 Plaintiffs,)
23)

v.)

24 WASHINGTON MUTUAL BANK, FA (aka)
WASHINGTON MUTUAL BANK); FIRST)
25 AMERICAN EAPPRAISEIT, a Delaware)
corporation; and LENDER'S SERVICE,)
INC.,)

26 Defendants.)
27)
28)

CASE NO.: 5:08-CV-00868 RMW

CLASS ACTION

STIPULATION AND XXXXXXXXXXXX ORDER
RE: MOTION FOR ADMINISTRATIVE
RELIEF

1 WHEREAS, on May 2, 2008, the Defendants Washington Mutual Bank, FA (a/k/a
2 Washington Mutual Bank)("WMB"), and First American eAppraiseIT ("EA") filed Motions to
3 Dismiss which included two memorandums of points and authorities totaling 45 pages collectively;

4 WHEREAS, Civil L.R. 7-3(a) provides that Plaintiffs may submit two Opposition Briefs of
5 25 pages each in response to Defendant WMB's and Defendant EA's Motions to Dismiss;

6 WHEREAS, each of the briefs of WMB and EA make a number of similar arguments;

7 WHEREAS, it would be most efficient for Plaintiffs to respond to the two briefs of WMB
8 and EA in one single brief;

9 WHEREAS, Defendants agree Plaintiffs may file a single 40 page brief to collectively
10 respond to WMB's and EA's briefs, rather than two separate 25 page briefs as allowed by Civil L.R.
11 7-3(a);

12 WHEREAS, Plaintiffs agree that this stipulation is not to be construed as waiving the rights
13 of Defendants to file separate Reply briefs in response to Plaintiffs' single Opposition brief in
14 accordance with L.R. 7.3(c).

15 IT IS HEREBY STIPULATED by the Plaintiffs, WMB and EA, by and through their
16 undersigned counsel, that:

- 17 (1) In response to Defendant WMB's and Defendant EA's Motions to Dismiss, Plaintiff
18 may file a single opposition motion.
- 19 (2) Defendants WMB and EA agree that the single opposition motion may exceed the 25
20 page limit for single brief as long as it does not exceed 40 pages.
- 21

22 Dated: June 19, 2008

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1 Dated: June 19, 2008

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8 Dated: June 19, 2008

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15 Attorneys for Defendant
First American eAppraiseIT

16 **XXXXXXXXXXXXX ORDER**

17 PURSUANT TO THE PARTIES' STIPULATION, THE COURT HEREBY ORDERS AS
18
19 FOLLOWS:

- 20 (1) Plaintiffs may file a single brief in opposition to Defendant EA's and Defendant
WMB's motions to dismiss.
- 21 (2) Plaintiffs aforementioned brief may exceed the ordinary page limit of 25 pages but
22 may not exceed 40 pages.
- 23 (3) This stipulation is not to be construed as waiving the rights of Defendants to file
24 separate Reply briefs in response to Plaintiffs' single Opposition brief in accordance
25 with L.R. 7.3(c).

26 Dated: June 25, 2008

27 Ronald M. Whyte
28 Hon. Ronald M. Whyte
United States District Judge